

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

**Wednesday, October 2, 2013
6:00 p.m.
Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Planning Commission Members:

Perry Bolyard, Chair
Joseph Demma
Janet Janke
James S. Jones
Jeremy D. Lapin
Dennis Peters
Gordon Walker

City Staff:

Larry Gardner, Planner
Mike Johnson, Associate Planner
Brian Berndt, Community Economic Dev. Director
Shane Topham, City Attorney

Excused:

Paxton Guymon
Lindsay Holt-Tofte

1.0 WELCOME/ACKNOWLEDGEMENTS

Chair Perry Bolyard called the meeting to order at 6:00 p.m.

2.0 CITIZEN COMMENTS

2.1 There were no citizen comments.

3.0 PUBLIC HEARINGS

3.1 Project #SD 13-006) Public Comment on a request from Christine Mendel to amend the Nutree No. 5 subdivision plat by vacating a portion of the natural area and open space easement located at 3287 East Enchanted Hills

Planner Larry Gardner described the proposed amendment as stated in the staff report and detailed the subdivision plat. The applicant is proposing to amend the Nutree No. 5 Subdivision Plat by vacating a portion of the natural area and open space easement. The reason for the request is to build one home. Staff recommended denial based on the findings listed in staff report.

Chair Bolyard opened the public hearing.

Martin Lingwall, real estate agent for the applicant, detailed the vacation of the easement in order to construct a home. He stated that this is the last place where a residence can be built in the open space area. He explained that it is a dedicated, deeded lot prior to the incorporation of the City of Cottonwood Heights and he recommends construction be allowed on the proposed property. He stated that the applicants' right cannot be taken away when they have paid taxes on the lot for over 30 years with the expectation of building their final home. Mr. Lingwall stated that they are willing to comply with all City ordinances and requirements and urged the Commission to allow the easement vacation.

In a response to Chair Bolyard's question concerning the nature of the transaction creating the lot, Mr. Lingwall reported that the original owner subdivided with the intent of building a home. He clarified that this is a recorded plat. The area where the triangle-shaped lot is located is of appropriate size to accommodate a home in the 8,000 to 10,000 square foot range without infringing on any portion of the easement. Ingress was further detailed.

Commissioner Peters questioned the origination of the easement and discussed the chronological progress of such transactions.

The applicant, Christine Mendel, stated that she has owned the lot since 1975. When her husband subdivided the lot, they were given a building lot address of 3287 Enchanted Hills Drive. They are asking for permission to build on a small portion of the lot and will not encroach on the easement portion of the property.

Shannon Hansen stated that her property abuts the subject parcel and reported that she purchased her lot in 1970. She had in her possession the original plot papers stating that above her property an open easement exists that Salt Lake County reported was due to a flood situation, poor grading, and slope concerns. She was told that nothing would be built above her home. Flood concerns were detailed.

Mike Wilson from the Metropolitan Water District of Salt Lake City and Sandy reported that the District owns and operates the Salt Lake Aqua Duct, which is adjacent to the subject property. Due to the proximity, access over and across the easement to a dwelling is not suitable to the needs of the water district. The Metropolitan Water District has not granted any approvals of access for the applicant's property interest. Mr. Wilson urged the Commission to maintain existing natural and open space areas and that vacating the easement would not be in the best interest of the future homeowner, Cottonwood Heights City, the public, or the Metropolitan Water District.

Jared Carling expressed opposition to the proposal, stating that it would negatively affect property values in the neighborhood and have a detrimental impact on the community for those who use the open space area as a natural park space.

Mickey Wickersham said she was told that the easement adjacent to her home could not be built on due to flooding issues and expressed opposition to the proposal.

John Marsh stated that his property abuts the subject property. He is of the understanding that the easement is to remain open property and building is not allowed. Opposition to the developer's

statements, especially regarding the claim that the owner has paid property tax on the parcel for 35 years with an assessed value of only \$3,000 per year, appears deceptive.

There were no further comments. The public hearing was closed.

3.2 (Project #SD 13-007) Public Comment on a request from John McGee to amend the Honeywood Cove Planned Unit Development adding four new units to Honeywood Cove PUD located at 7853 South Honeywood

In the absence of the applicant, Chair Bolyard recommended holding the public comment portion, and continuing the matter to a later date.

Planner Larry Gardner detailed the proposed amendment as stated in the staff report. The applicant is requesting to amend the Honeywood Cove Planned Unit Development to add four new units.

Chair Bolyard opened the public hearing.

David Hawk stated that his unit is directly to the north of the proposed visitor parking area. Egress from the property was discussed and he expressed his opposition to the proposal.

Motion: Commissioner Walker moved to keep the public comment open on the matter until the Commission has had sufficient time to address all of the issues identified by the public. The motion was seconded by Commissioner Janke. Vote on motion: Janet Janke-Aye, Jeremy Lapin-Aye, Gordon Walker-Aye, Dennis Peters-Aye, James Jones-Aye, Joseph Demma-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.

3.3 (Project #CUP 13-009) Public Comment on a request from Dana Conway for a conditional use permit, site plan approval and lot consolidation for a dentist office and site plan approval located at 6724 South Highland Drive and amending Greenfield Village Plat A combining 3 lots into 1 lot

Chair Bolyard detailed the conditional use permit request, site plan approval, and lot consolidation for a dentist office located at 6724 South Highland Drive and amending Greenfield Village Plat A combining three lots into one.

The applicant, Dana Conway, stated that they have gone through the required process with the Architectural Review Committee (ARC) and have followed zoning as closely as possible.

Lester Widener shared his approval of the proposed project.

Eric Montague stated that he lives immediately adjacent to the subject property. Concerns about the excavation of the property, elevation, lighting, and fencing were discussed. Mr. Montague detailed his property lines in comparison to the proposed property and believes development is a step in the right direction.

Associate Planner, Mike Johnson, reported that the design includes a masonry fence surrounding the property measuring six feet in height, an eight-foot landscape buffer, and 16-foot light poles. Lighting design was detailed.

Commissioner Peters asked for clarification regarding elevation.

Ms. Conway stated that there will be retaining on one side of the property. She is open to suggestions regarding the preferred type of fencing. It was confirmed that the side setback of the building is 81.4 feet from the building to the property line.

Dennis Van Duren indicated that is here representing five individuals. He read a prepared letter, which was submitted to staff. He reported that as a group, they do not want to see any type of building that resembles the Vincent Surgical Arts Building across the street. They were told that the proposed building will resemble a large residential office. He detailed their opposition to the proposed design and urged the Commission not to proceed with the approval process until an appropriate design can be presented that is in line with the Commission and what the residents previously agreed on. Mr. Van Duren stated that as residents, this is possible grounds to obtain legal representation until the public record of what was agreed upon is acknowledged. He recommended the procedure to approve the site at the next meeting be tabled until such time as a public record can be searched for detailing the agreement between the Planning Commission and the residents.

Karen Baker stated that her property is adjacent to the proposed site. Concerns regarding privacy and lighting were discussed. She shared her opposition to the design and location.

Glen Harrison stated that his main concern pertains to the increase in traffic.

Mark Craig expressed his opposition to the project.

Barbara Van Duren discussed the compatibility and design of the proposed project. Ms. Van Duren stated that she is not opposed to development, but wants something that will be positive for the neighborhood.

Sherrie Bedock suggests the building be recessed and is opposed to the proposed project being two stories.

There were no further comments. The public hearing was closed.

Commissioner Walker requested that prior to any vote, comments and records made at the City level be reviewed, particularly comments made by previous planning directors.

Chair Bolyard agreed.

Community Development Director, Brian Berndt, stated that information will be gathered and sent to the Commission for further review.

Commissioner Janke addressed the privacy issue along the backside of the proposed building and confirmed that a hallway will be closest to abutting residences, not offices.

Associate Planner, Mike Johnson, stated the plans submitted confirm that it is indeed a hallway.

4.0 ACTION ITEMS

4.1 (Project #ZMA 13-004) Action on a request from Dana Conway to change the zoning and amend the zoning map from R-1-8 single family zoning to RO Residential Office zoning on properties located at 6710, 6722 and 6738 South Highland Drive

Chair Bolyard detailed the zoning request from the applicant, Dana Conway, amending the zoning map from R-1-8 to Residential Office (RO) zoning.

Motion: Commissioner Walker moved to table action on the item until sufficient additional information has been received regarding what has been promised. The motion was seconded by Commissioner Jones.

Commissioner Lapin disagreed with the motion and stated that this is a zoning change request, not an architecture or site plan issue.

Commissioner Peters stated that the General Plan has been amended to allow the RO zone in this particular area.

Commissioner Walker shared concern regarding the issue of a demolition permit and dust abatement. He is of the belief that this issue is moving too rapidly and many issues still require resolution.

Vote on motion: Janet Janke-Aye, Jeremy Lapin-Nay, Gordon Walker-Aye, Dennis Peters-Nay, James Jones-Aye, Joseph Demma-Nay, Chair Perry Bolyard-Aye. The motion passed 4-to-3.

4.2 Approval of September 4, 2013 Minutes

Motion: Commissioner Peters moved to approve the September 4, 2013, minutes. The motion was seconded by Commissioner Janke. Vote on motion: Janet Janke-Aye, Jeremy Lapin-Abstained, Gordon Walker-Aye, Dennis Peters-Aye, James Jones-Abstained, Joseph Demma-Abstained, Chair Perry Bolyard-Aye. The motion passed unanimously with three abstentions.

5.0 ADJOURNMENT

Motion: Commissioner Lapin moved to adjourn. The motion was seconded by Commissioner Peters and passed unanimously on a voice vote. The Planning Commission meeting adjourned at 7:18 p.m.

Minutes approved: 10/16/2013